

**David C. Lewis**, OSB No. 953348

E-mail: [dlewis@cisoregon.org](mailto:dlewis@cisoregon.org)

**Lauren E. Nweze**, OSB No. 145218

E-mail: [lnweze@cisoregon.org](mailto:lnweze@cisoregon.org)

**William E. Stabler**, OSB No. 124624

E-mail: [wstabler@cisoregon.org](mailto:wstabler@cisoregon.org)

**KRAEMER & LEWIS**

P.O. Box 1469

Lake Oswego, OR 97035

Telephone: (503) 763-3875

Facsimile: (503) 763-3901

Of Attorneys for Defendants City of Pendleton,  
Pendleton Police Department, Addleman & Besette

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

**MATTHEW G. GILLUM**,

No. 2:22-cv-01029-HL

Plaintiff,

v.

**CITY OF PENDLETON, PENDLETON  
POLICE DEPARTMENT, OFFICER  
CHASE T. ADDLEMAN AND  
CORPORAL NATHAN J. BESSETTE,**

**DEFENDANTS CITY OF PENDLETON,  
PENDLETON POLICE DEPARTMENT,  
OFFICER CHASE T. ADDLEMAN AND  
CORPORAL NATHAN J. BESSETTE'S  
ANSWER AND AFFIRMATIVE  
DEFENSES**

**Demand for Jury Trial**

Defendants.

Defendants City of Pendleton, Pendleton Police Department, Officer Chase T. Addleman and Corporal Nathan J. Besette (hereinafter "Defendants") hereby deny each and every allegation of Plaintiff's complaint except as admitted in this answer.

1.

Defendants admit that the City of Pendleton is a municipality organized and existing under the laws of the State of Oregon in Umatilla County, Oregon.

2.

Defendants admit that the Pendleton Police Department is a subordinate internal department of the City of Pendleton.

3.

Defendants admit that during the relevant times alleged in the complaint, Officer Chase T. Addleman (hereinafter “Officer Addleman”) and Corporal Nathan J. Bessette (hereinafter “Corporal Bessette”) were employed as police officers for the City of Pendleton Police Department, acting within the course and scope of their employment.

4.

Defendants admit and allege that this Court has proper venue and jurisdiction as long as Plaintiff’s allegations implicating violations of the U.S. Constitution remain in the case.

5.

Defendants admit that on July 21, 2020, Officer Addleman, while on duty, observed a Toyota Camry (hereinafter “the vehicle”) in the parking lot of a business located at 319 SE Nye Avenue in Pendleton; and that Officer Addleman noticed the vehicle’s license plates were expired, in violation of Oregon law.

6.

Defendants admit that Officer Addleman observed Plaintiff enter the vehicle; that Plaintiff drove the vehicle out of the parking lot and on to a public roadway; and that Officer Addleman observed Plaintiff fail to stop the vehicle prior to entering the roadway, in violation of Oregon law.

7.

Defendants admit that Officer Addleman conducted a traffic stop of the vehicle Plaintiff was driving because Officer Addleman had probable cause to believe Plaintiff committed at least two traffic violations.

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8.

Defendants admit that Officer Addleman contacted Plaintiff and interacted with him at the driver's window; that Officer Addleman observed a white wrapper-like material located on the driver's seat floorboard below where Plaintiff was sitting; that Officer Addleman observed several pieces of a crystalline rock-like substance on top of the white wrapper-like material; and that Officer Addleman observed a torch-style lighter in Plaintiff's possession which Officer Addleman believed to be commonly used to ingest illicit controlled substances.

9.

Defendants admit that Officer Addleman had a reasonable belief that the crystalline rock-like substance he observed inside the vehicle was methamphetamine; that in course of his contact with Plaintiff and during Officer Addleman's investigation, Officer Addleman developed probable cause to believe Plaintiff was in possession of methamphetamine in violation of Oregon law; and that Plaintiff's vehicle contained further evidence of the crime.

10.

Defendants admit that based on Officer Addleman's probable cause, Officer Addleman searched Plaintiff's vehicle pursuant to the motor vehicle exception to the search warrant requirement and did not find any additional methamphetamine or any other contraband.

11.

Defendants admit Plaintiff was issued a citation for Driving without an Operator's License in violation of ORS 807.010.

12.

Defendants admit that Officer Addleman wrote a report after the July 21, 2020, incident, which though cited in Plaintiff's Complaint, speaks for itself.

13.

Except as expressly admitted above, Defendants deny each and every remaining allegation of Plaintiff's Complaint, either because they are untrue, or because they are opinions or conclusions

rather than allegations of fact, or because Defendants lack sufficient information or belief as to their accuracy at this time.

BY WAY OF FURTHER ANSWER AND FOR A FIRST AFFIRMATIVE DEFENSE,  
Defendants allege:

14.

Defendants Officer Addleman and Corporal Bessette are entitled to qualified immunity.

BY WAY OF FURTHER ANSWER AND FOR A SECOND AFFIRMATIVE DEFENSE,  
Defendants allege:

15.

Probable cause existed for the traffic stop of Plaintiff's vehicle based on Plaintiff's commission of traffic violations under Oregon law.

BY WAY OF FURTHER ANSWER AND FOR A THIRD AFFIRMATIVE DEFENSE,  
Defendants allege:

16.

Probable cause existed for the search of Plaintiff's vehicle, pursuant to the motor vehicle exception to the search warrant requirement, based on drugs and drug paraphernalia observed in plain view inside Plaintiff's vehicle.

BY WAY OF FURTHER ANSWER AND FOR A FOURTH AFFIRMATIVE DEFENSE,  
Defendants allege:

17.

Plaintiff failed to state claims for which relief can be granted.

BY WAY OF FURTHER ANSWER AND FOR A FIFTH AFFIRMATIVE DEFENSE,  
Defendants allege:

18.

The City of Pendleton, the Pendleton Police Department, and Corporal Bessette are not proper parties to this case based on the allegations in Plaintiff's Complaint and should be dismissed.

BY WAY OF FURTHER ANSWER AND FOR A SIXTH AFFIRMATIVE DEFENSE,  
Defendants allege:

19.

Plaintiff failed to mitigate his damages.

BY WAY OF FURTHER ANSWER AND FOR A SEVENTH AFFIRMATIVE  
DEFENSE, Defendants allege:

20.

To the extent Plaintiff's Complaint alleges state law tort claims, any such claims are subject to the conditions, limitations, and immunities contained in the Oregon Tort Claims Act, ORS 30.265, et. seq., including, but not limited to, the limitation on damages contained in ORS 30.272.

**NOTICE OF CLAIM FOR ATTORNEY FEES**

21.

Defendants, as prevailing parties in this action will be entitled to their attorney fees and costs pursuant to 42 U.S.C. § 1988.

22.

Wherefore, having fully answered Plaintiff's Complaint, City Defendants pray for judgment in its favor to include an award of its costs, disbursements and attorney fees incurred herein pursuant to 42 U.S.C. § 1988, and such other relief as the court deems just and equitable.

Defendants demand trial by jury.

Respectfully submitted this 21st day of July 2022.

KRAEMER & LEWIS

By: s/ William E. Stabler

William E. Stabler, OSB No. 124624  
Attorney for Defendants City of Pendleton,  
Pendleton Police Department, Officer Chase  
T. Addleman and Corporal Nathan J. Bessette

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of July 2022 I served the foregoing **DEFENDANTS CITY OF PENDLETON, PENDLETON POLICE DEPARTMENT, OFFICER CHASE T. ADDLEMAN AND CORPORAL NATHAN J. BESSETTE'S ANSWER AND AFFIRMATIVE DEFENSES**, on the following party at the following address:

Matthew Gillum  
402 S. State Street  
Weston, OR 97886  
Plaintiff Pro Se

by mailing to him a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed to him at the address set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid.

s/ William E. Stabler  
William E. Stabler, OSB No. 124624  
Of Attorneys for Defendants